



California Regulatory Notice Register

REGISTER 2010, NO. 4-Z

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY

NOTICE OF INTENTION TO ADOPT A CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY

NOTICE IS HEREBY GIVEN that the California Partnership for the San Joaquin Valley, pursuant to the authority vested in it by Section 87300 of the Government Code, proposes its Conflict-of-Interest Code.

The California Partnership for the San Joaquin Valley proposes to adopt its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

The agency implements plans that will result in the economic revitalization of the San Joaquin Valley. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than March 8, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The California Partnership for the San Joaquin Valley has determined that the proposed code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.

3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses. All inquiries should be directed to:

Michael Dozier
Office of Community and Economic Development
California State University, Fresno
5010 North Woodrow Avenue, MS WC 142
Fresno, CA 93740
559.294.6027
mdozier@csufresno.edu

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI COUNTY: Victor Valley Community College District

A written comment period has been established commencing on **January 22, 2010** and closing on **March 8, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300,

which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **March 8, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on July 24, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on August 5, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on August 13, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on September 3, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b)

of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on September 24, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on October 8, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 31, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 8, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendments of Section 3434(b) removed the Carpinteria area of Santa Barbara County and estab-

lished additional portions of Alameda, Marin, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz and Sonoma counties as regulated areas. There is no existing, comparable federal regulation or statute regulating the intrastate movement.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3434. No reimbursement is required for Section 3434 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gal-

lon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations (CCR), and cannot be sold. Therefore, there are no additional mandated costs of compliance due to this regulation.

ASSESSMENT

The Department has made an assessment that the proposed adoption of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916)

654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on September 24, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 23, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsections 3406(b) and (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on November 16, 2009. The Department proposes to continue the regulation as amended and to

complete the amendment process by submission of a Certificate of Compliance no later than March 23, 2010.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsections 3406(b) and (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on December 16, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 23, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 8, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (FAC Section 5761).

The amendments of Section 3406(b) and (c) established additional portions of Los Angeles and San Diego counties as regulated areas, added seven host plants to the list of regulated articles and removed the movement exemption for commercially-produced smooth skinned lemons. The effect of these amendments was to establish authority for the State to conduct quarantine activities in these portions of the State against this pest.

There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3406. No reimbursement is required for Section 3406 under Section 17561 of the Government Code because both of the affected county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$1134 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the

Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) and (c) to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Susan McCarthy, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, 916.654.1017, FAX 916.654.1018, e-mail: smccarthy@cdfa.ca.gov. In her absence, you may contact Stephen Brown at 916.654.1017. Questions regarding the substance of the proposed regulations should be directed to Susan McCarthy.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and

strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING PETITION, AMENDMENT AND NOTIFICATION REQUIREMENTS FOR STATEWIDE BENEFIT CHARTER SCHOOLS

[Notice published January 22, 2010]

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing beginning at **9:00 a.m. on March 8, 2010**, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments¹ relevant to the proposed regulatory action to:

¹ All written comments received by CDE staff during the public comment period are subject to viewing under the Public Records Act.

Debra Thacker, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on March 8, 2010**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 47605.8, Education Code.

Reference: Sections 47605 and 47605.8, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code (EC) section 47605.8 authorizes the State Board of Education (SBE) to review and approve charter schools of statewide interest that propose to operate at multiple sites. These schools are referred to as statewide benefit charter schools.

Existing regulations require a statewide benefit charter school's petition include a five year plan that, at a minimum, specifies the location of the first two schools located within two different counties or school districts. Providing the initial two schools are successful after two years of operation, additional sites may be opened. The proposed amendments make clear that the identification of additional sites may be specified in the plan submitted with the charter petition, or provided as an

amendment which must similarly be submitted to the SBE for approval.

EC section 47605.8 requires that county superintendent(s) and the governing board of each school district in which the statewide benefit charter school petitioner proposes to operate be notified. California Code of Regulations (CCR), title 5, section 11967.6 provides a notification process, but does not clearly specify a timeline for such notification or clearly identify how it may be different for the initial schools and sites added in subsequent years. These regulations add 5 CCR section 11967.6.1 to clarify the process a statewide benefit charter school petitioner must follow to notify the appropriate county superintendent(s) and governing boards of each school district in which a school under a statewide benefit charter proposes to locate.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to local and state educational agencies and not to business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified

and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Kathy Clark, Education Programs Consultant
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814
Telephone: 916-319-0233
E-mail: kclark@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Kathy Clark, Charter Schools Division, 1430 N Street, Suite 5401, Sacramento, CA, 95814; telephone, 916-319-0233; fax, 916-322-1465. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE IS HEREBY GIVEN

The California Commissioner of Financial Institutions (Commissioner) proposes to adopt rules entitled, "The California Foreclosure Prevention Act." The proposed regulatory action clarifies the application of Civil Code Sections 2923.52 and 2923.53 under the California Foreclosure Prevention Act. The proposed rules were adopted as emergency regulations on June 1, 2009, readopted on December 1, 2009, and in this rulemaking action the Commissioner proposes to permanently adopt Subchapter 4, Article I, Sections 4.1, 4.2, 4.3, 4.4, 4.5, and 4.6; Article II, Sections 4.7 and 4.8; Article III, Section 4.9; and Article IV, Section 4.10 to Title 10 of the California Code of Regulations.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Financial Institutions' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department addressed as follows:

Regular Mail

Department of Financial Institutions
Attn: Ken Sayre–Peterson
1810 13th Street
Sacramento, CA 95814

Electronic Mail

foreclosures@dfi.ca.gov

Facsimile

(916) 324–2011

Comments may be submitted until 5:00 p.m., March 8, 2010. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW

In the fall of 2008, in response to the continuing foreclosure crisis in California, the Governor proposed to the Legislature a concept to reduce foreclosures by encouraging loan modifications in the marketplace. This plan was a follow-up to the Administration's previous actions to encourage loan modifications by servicers, including a November 2007 agreement with servicers intended to address resetting interest rates, and the signing of SB 1137 (Perata, Chapter 69, Statutes of 2008) in the summer of 2008, to require residential mortgage servicers reach out to borrowers at least 30 days before a notice of default is filed in a foreclosure proceeding, to attempt to work out a solution.

The Governor's proposal involved encouraging residential mortgage loan servicers to streamline the process for modifying loans by changing the requirements for nonjudicial foreclosures for loans serviced by mortgage loan servicers that had not implemented a comprehensive loan modification program. The initial parameters for a comprehensive loan modification program were modeled after the program that the Federal Deposit Insurance Corporation (FDIC) implemented to modify loans in the IndyMac Federal Bank portfolio after the FDIC was appointed conservator of that institution.

Through the legislative process, the Legislature further developed the Governor's proposal into the California Foreclosure Prevention Act. In February of 2009, during the second extraordinary session the Legislature sent to the Governor two bills enacting the California Foreclosure Prevention Act: ABX2 7 (Lieu, Chapter 5, Statutes of 2009) and SBX2 7 (Corbett, Chapter 4, Statutes of 2009). On February 20, 2009, the Governor signed these bills.

Among other things, the California Foreclosure Prevention Act required the Commissioners of Corporations, Financial Institutions and Real Estate to adopt emergency regulations to clarify the application of Civil Code Sections 2923.52 and 2923.53; two sections added to the Civil Code by the California Foreclosure Prevention Act. The Commissioners adopted the emergency regulations and on June 1, 2009, the regulations were filed with the Secretary of State and became effective. In accordance with the law's provisions, 14 days after the effective date of the regulations, the act became operative.

In this rulemaking action the California Department of Financial Institutions Commissioner (Commissioner) seeks to permanently adopt the emergency regulations clarifying the application of Civil Code Sections 2923.52 and 2923.53 of the California Foreclosure Prevention Act.

The Commissioner proposes to adopt Subchapter 4 to Chapter 1 of Title 10 of the California Code of Regulations, entitled "California Foreclosure Prevention Act." In addition, the Commissioner proposes to adopt Article 1 to that subchapter, entitled, "Requirements." Within Article 1 the Commissioner proposes to adopt six sections.

Section 4.1, entitled, "Scope of Regulations," defines the scope of the regulations. The section provides that the subchapter clarifies the application of Civil Code Sections 2923.52 and 2923.53, and sets forth the minimum requirements for a mortgage loan servicer to obtain an order of exemption from Civil Code Section 2923.52. Civil Code Section 2923.52 provides that a trustee may not proceed with a foreclosure sale until the lapse of 90 days in addition to the 3 months after a notice of default is filed on a borrower under Civil Code Section 2924. However, Civil Code Section 2923.52 provides that a mortgage loan servicer may obtain an order exempting it from the prohibition on proceeding with a foreclosure until after the lapse of 90 days, if the mortgage loan servicer has implemented a comprehensive loan modification program.

The section further provides that the modification of loans in conformance with the Home Affordable Modification Program Guidelines issued by the U.S. Department of the Treasury on March 4, 2009, as amended, shall constitute the implementation of a comprehensive loan modification program and shall be deemed to meet all of the requirements in the article. The section also defines "residential mortgage loan" and "borrower."

Section 4.2, entitled "Eligibility," sets forth the minimum eligibility requirements for a borrower and residential mortgage loan under a comprehensive loan modification program, in order for the program to obtain an order of exemption from the Commissioner. A mortgage loan servicer's comprehensive loan modifi-

cation may be more inclusive than the minimum requirements set forth in this section, but may not be less inclusive, to obtain an order of exemption. Generally, modifications must be available for borrowers and loans meeting the following requirements:

1. The loan was made between January 1, 2003 and January 1, 2008,
2. The borrower lives in the property,
3. The loan is in default,
4. The loan is a first lien on property in California,
5. The borrower can document the ability to pay the modified loan,
6. The borrower has not surrendered the property, the borrower is not engaged in a bankruptcy proceeding, and the borrower has not contracted to delay the foreclosure process while intending to leave the property.

Section 4.3, entitled, “Availability,” requires the loan modification program to be made available to all persons and loans meeting the eligibility requirements who contact their servicer to notify the servicer of a financial hardship or to request a loan modification. In addition, the section requires a servicer to reach out to borrowers in financial hardship by including information on the comprehensive loan modification program in the contact with borrowers required at least 30 days before the service of a Notice of Default under Civil Code section 2923.5 (see SB 1137 (Perata — 2008), which requires that borrowers be contacted before the filing of the Notice of Default).

Sections 4.4, 4.5 and 4.6 set forth the minimum requirements for a comprehensive loan modification program. Section 4.5, entitled, “Loan Modification Features,” provides that loans refinanced in accordance with the Hope for Homeowners Program or the Home Affordable Refinance Program meet the minimum requirements of a comprehensive loan modification program. While loan work outs under these federal programs constitute refinancings rather than modifications, the recognition of the federal programs in the rules was intended to clarify that servicers may continue participating in those programs even for borrowers meeting the minimum eligibility requirements for modifications under these rules.

The California Foreclosure Prevention Act provides that a servicer need only modify a loan where the anticipated recovery from a modification exceeds the anticipated recovery from a foreclosure, on a net present value basis. Consequently, Section 4.5 of the proposed rules provides clarification on determining the net present value. The rule provides that the net present value must be based on reasonable assumptions regarding discount rates, property values, costs of foreclosure, costs of modification, and the ability of the borrower to

repay the loan. The proposed rule requires a servicer to have internal or external evidence to support the assumptions, and provides that the “Net Present Value Model Parameters” in the Home Affordable Modification Program Guidelines, meets the requirements of the section and does not require supporting evidence. The proposed rules further require servicers to explain deviations from the “Net Present Value Model Parameters” in the exemption application. The proposed rules require that a loan be modified where the net present value of modifying the loan exceeds the net present value of foreclosing on the loan, provided that the borrower can document income, and provided that after the loan is modified, the borrower can establish the ability to pay the modified loan.

The California Foreclosure Prevention Act provides that a comprehensive loan modification program must target a ratio of a borrower’s housing-related debt to a borrower’s gross income of 38% or less, on an aggregate basis. Consequently, Section 4.5 of the proposed rules provides that a servicer’s loan modifications are to target a 38% housing-related debt to gross income ratio, on an aggregate basis. The rules clarify that a servicer is not required to meet this ratio for every loan modified under the program. The rules further provide that a servicer must identify the reasons in its application which establish why its program does not achieve a 38% housing-related debt to gross income ratio, on an aggregate basis, if such is the case.

Section 4.5 of the proposed rules provides that a comprehensive loan modification program must include at least two of the following features:

1. An interest rate reduction, as needed, for at least 5 years,
2. An extension of amortization period for the loan term to no more than 40 years from the original date of the loan,
3. Deferral of some portion of the principal until maturity,
4. A reduction in principal,
5. Compliance with a federally mandated loan modification program, or
6. Any other feature that Commissioner determines is appropriate, as described in the servicer’s application.

The proposed rules clarify that a program must include at least two of the identified features, but a single loan modification need not include more than one feature. The rules further require that a servicer have criteria in place to define when the borrower qualifies for the potential concessions or modifications.

The California Foreclosure Prevention Act provides that when determining a loan modification solution for a borrower, a servicer must seek to achieve long-term

sustainability. Consequently, Section 4.5 sets forth characteristics that are presumed to constitute long-term sustainability, including:

1. The modification reduces a borrower's monthly payment for at least 5 years,
2. The modification results in a housing-related debt to income ratio of 38% or less,
3. After a modification, the borrower's back-end debt-to-income ratio is equal to or less than 55%,
4. The borrower is current under the terms of a modified loan at the end of a 3-month period, or
5. The modification is in accordance with a federal program.

In addition to the foregoing, Section 4.6 sets forth additional proposed requirements for a loan modification program. Subsection (a) sets forth conditions when a loan modification consists solely of a repayment plan. In particular, a servicer must be able to validate that the borrower has a housing-related debt to gross income ratio of 38% or less, and that the borrower can repay the loan. The subsection further defines a repayment plan as a plan or arrangement where amounts past due are added to the principal amount due on a loan and re-aged so that a loan is no longer delinquent, and no other loan concessions are provided to the borrower.

Subsection (b) requires all loans eligible to be considered for modification under the plan unless an applicable pooling and servicing agreement prohibits the modification. Subsection (c) requires a servicer to use reasonable efforts to remove any prohibitions and obtain waivers or approvals from all necessary parties, including junior lien holders and investors. Subsection (d) requires a servicer to act on a loan modification request within a reasonable time period, and requires a servicer to have procedures in place to ensure that delays in the process not caused by a borrower do not adversely impact a borrower in the loan modification or foreclosure process. Subsection (d) further requires a servicer to acknowledge the receipt of a loan modification request.

Subsection (e) permits a servicer to deny a loan modification request when a borrower abandons or unduly delays the process. Prior to denying the modification request, the servicer must notify the borrower in writing of the time period to respond and the consequence of failing to respond in a reasonable time. Subsection (f) provides that a comprehensive loan modification program may include foreclosure alternatives for borrowers who do not qualify for a loan modification program. Subsection (g) provides that a servicer is not required to modify a loan more than once.

Within Article 2, the Commissioner proposes to adopt 2 sections. Section 4.7, entitled "Initial Application," sets forth instructions on the filing of the application. This section provides that an applicant shall be

temporarily exempt from Civil Code Section 2923.52(a) upon the filing of a substantially complete application. Item 1 instructs applicants on where to file the application, and identifies how an applicant determines whether to file an application with the Department of Corporations, the Department of Financial Institutions, or the Department of Real Estate. Item 2 instructs applicants on when to file an application, and provides that an applicant will be temporarily exempt from Civil Code Section 2923.52(a) upon the appropriate department's receipt of the application.

Item 3 sets forth the manner for the Department to notify an applicant of the temporary order. Item 4 provides that the Department will notify the applicant of whether the applicant has a comprehensive loan modification program within 30 days of the receipt of an application, and notify the applicant of the issuance of a final order. Item 5 provides that upon the denial of an application, the Department will immediately notify the servicer, and the temporary order will remain in effect for 30 days following the denial. Item 6 provides that the Department will accept changes to an application while the application is under consideration.

Section 4.8, entitled "Changes to Program after Final Order," sets forth procedures for the modification of a program after the receipt of a final order. Subdivision (a) prohibits a servicer from modifying a program after a final order is issued unless the servicer informs the Commissioner of the change. Subsection (b) provides that a change to a federal program does not constitute a change to a comprehensive loan modification program and does not require notice to the Commissioner.

Article 3 consists of Section 4.9, which incorporates the application form. The application requests identifying information from an applicant, requests information on whether an applicant is participating in a loan modification program administered by a federal agency, and requires an applicant to submit several exhibits. Exhibit 1 requires an applicant to describe its loan modification program, and to direct the Department to where within the submitted documentation specified program requirements are met. Exhibit 2 requires an applicant to submit a copy of the declaration to be included with the notice of sale, as required by Civil Code section 2923.54. Exhibit 3 requires an applicant to provide the notice to consumers required by Section 4.3 of these rules. Exhibit 4 requires an applicant to submit 3 months of recent loss mitigation data.

Exhibit 5 requires an applicant to provide additional documentation for other items in the application, if applicable, including the differences between the net present value used by the applicant and the Department of the Treasury's Net Present Value Model Parameters, the reasons the servicer's program is unable to achieve an aggregate debt-to-income ratio of 38% or less, and a

description of any additional features in the program to be considered by the Commissioner. The application provides that exhibits 1, 4 and 5 are confidential, and requires the application to be signed under penalty of perjury by a specified control person.

Article 4 consists of Section 4.10, entitled "Reports." This section provides that upon request of the Commissioner, a servicer shall report loan modification data to the Commissioner on a quarterly basis. The section further incorporates a form for quarterly reporting. The section provides that a servicer may request a hardship exemption from the Commissioner, and provides that the Commissioner may accept a report required by a federal loan modification program, in lieu of the report required in this section.

AUTHORITY

Sections 2923.52 and 2923.53, Civil Code.

REFERENCE

Sections 2923.52 and 2923.53, Civil Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 05/09-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. These documents are also available at the Department's website at www.dfi.ca.gov. As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Fi-

nancial Institutions, 1810 13th Street, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or savings to any state agency: The Department has determined that the implementation of the California Foreclosure Prevention Act will have an estimated cost of \$120,000 to the Department. This cost represents the cost of implementing and administering the California Foreclosure Prevention Act, including the adoption of regulations, development of procedures and information technology applications, acceptance of applications, review and approval of applications, data collection and reporting. While this cost is attributable to the implementation of the act, it is not necessarily attributable to this rulemaking action.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.
- Other nondiscretionary costs/savings imposed on local agencies: none.
- Costs to private persons or businesses directly affected: The Department has determined that the cost to directly affected businesses that seek to submit an application for an order of exemption under the California Foreclosure Prevention Act may be up to \$5000 in one time costs for the application, and may be up to \$5000 a year if reporting is required.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not affect small businesses. A mortgage loan servicer does not constitute a small business under Government Code Section 11342.610.
- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department has determined that the cost to directly affected businesses that seek to submit an application for an order of exemption under the California Foreclosure Prevention Act may be up to \$5000 in one time costs for the application, and may be up to \$5000 a year if reporting is required.

EFFECT ON SMALL BUSINESS

The Commissioner has determined that the adoption of these regulations will not affect small business. Government Code Section 11342.610 excludes financial institutions, including banks and trusts, from the definition of "small business."

CONTACT PERSON

Inquires concerning the proposed administrative action may be directed to:

Ken Sayre-Peterson
Department of Financial Institutions
1810 13th Street
Sacramento, CA 95814-7118
Telephone: (916) 322-1570

If Mr. Sayre-Peterson is unavailable please contact:

Paul Crayton
Department of Financial Institutions
111 Pine Street, Suite 1100
San Francisco, CA 94111
Telephone: (415) 263-8541

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

DIVISION OF JUVENILE JUSTICE

Sections 4710, 4711, 4712, 4713, 4714

Contraband and Searches

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) proposes to amend Sections 4710, 4711, 4712, 4713 and 4714 of Title 15, Division 4, Subchapter 2, Article 2 of the California Code of Regulations (CCR) pertaining to Contraband and Searches.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the DJJ. Comments may also be submitted by facsimile (FAX) at (916) 262-2608 or by email to DJJ-PPPR@cdcr.ca.gov. The written comment period closes at 5:00 p.m. on March 8, 2010. The DJJ will consider only comments received at the DJJ offices by that time. Submit comments to, Policy, Procedures, Programs and Regulations Unit (PPP&R) 4241 Williamsborough Drive, Suite 117, Sacramento, CA 95823.

The DJJ has not scheduled a public hearing on this proposed action. However, the DJJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY

Section 1712 of the Welfare and Institutions Code (W&I) Code establishes the secretary is authorized to make and enforce all rules appropriate to the proper accomplishment of the functions of the Division of Juvenile Facilities, Division of Juvenile Programs, and Division of Juvenile Parole Operations.

REFERENCE

The California Department of Corrections and Rehabilitation (CDCR) policy and procedures relative to asset forfeiture are appropriately covered in the CDCR Departmental Operations Manual (DOM) Policy No. 08–31, dated 7–23–08. The procedures in this policy outline the asset forfeiture process to be utilized by staff within the CDCR, the Division of Adult Institutions (DAI), Division of Adult Parole Operations (DAPO), the Division of Juvenile Justice (DJJ), Office of Internal Affairs (OIA) and the Office of Correctional Safety Standards (OCS).

The Health and Safety Code, Section 11469–11495 annotate State Statute which provide guidelines for utilizing seizure and forfeiture including provisions to allow for 65 percent of forfeited proceeds to go to the participating law enforcement agencies.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking clarifies and makes specific Section 224.70(e) of the W&I Code that “Youth” means any person detained in a facility of the Division of Juvenile Facilities.

The proposed amendments to these regulations establish a process that is applicable to all youth in the custody of DJJ and staff conducting searches to prevent contraband from entering and circulating at a Youth Correctional Facility (YCF), and to locate stolen property. To further implement the policy, the DJJ submits these proposed amendments to these regulations.

Title 15, Division 4, Chapter 3, Subchapter 2, Article 2, Section 4710 defines contraband and the general guidelines that contraband is an item which, if possessed, could by its very nature be injurious to persons or property, would adversely affect program objectives of institutional security or would require an inordinate amount of staff resources to keep secure or supervise. The facility must post a notice which states that all visitors, staff, volunteers and guests, including their property and vehicles entering the facility, are subject to being searched on either a regular or random basis. Form DJJ 4.744 (New 08/09) Youth Property Receipt is incorporated by reference in the regulation text.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Phyllis Green
Policy, Procedures, Programs and Regulations
Unit
Division of Juvenile Justice
(916) 262–3178

Questions regarding the substance of the proposed regulation should be directed to:

Jeff Plunkett
Division of Juvenile Facilities
Division of Juvenile Justice
(916) 262–1542

In the event the contact persons are not available, inquiries may be directed to the following back up contact person:

Angelina Parker
Policy, Procedures, Programs and Regulations
Unit
Division of Juvenile Justice
(916) 262–1550

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts or a mandate which requires reimbursement pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other non–discretionary costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact, directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: None.

EFFECT ON HOUSING COSTS

The DJJ has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact on housing costs.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The DJJ is not aware of any cost impact that a representative private person or business would incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The DJJ has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The DJJ has determined that the proposed regulations will not affect small business due to the fact the rules apply only to practitioners employed by the DJJ.

**ASSESSMENTS REGARDING
EFFECTS ON JOBS/BUSINESS**

The DJJ has determined that the proposed regulations will have no affect on the creation of new or the elimination of existing jobs or businesses, or the expansion of businesses within the State of California.

ALTERNATIVES CONSIDERED

The DJJ must determine that no reasonable alternative it considered or that has been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF PROPOSED TEXT
AND INITIAL STATEMENT OF REASONS**

The DJJ has made available the initial statement of reasons and the proposed text of the regulations. All documents pertaining to this regulatory action (rule-making file) will be available on the California Department of Corrections, Division of Juvenile Justice website www.cdcr.ca.gov. Following its preparation, a copy of the Final Statement of Reasons will also be made available upon request from the agency contact person or posted on the above DJJ website.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

After considering all timely and relevant comments received, the DJJ may adopt the proposed regulations as set forth above without further notice.

If the regulation text is modified by the DJJ and the changes are sufficiently related to the originally proposed action, the DJJ will make the modified text avail-

able (with the changes clearly indicated) to the public for at least 15 days prior to adopting the amended regulations. The DJJ will accept written comments pertaining to only the modified text during the 15-day period prior to adoption of the revised text. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Angelina Parker at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the California Department of Corrections, Division of Juvenile Justice website www.cdcr.ca.gov.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION****DIVISION OF JUVENILE JUSTICE****Sections 4680, 4681, 4682, 4683, 4684, 4685****Youth Escape****NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) proposes to (adopt and amend) Sections 4680, 4681, 4682, 4683, 4684, 4685, Title 15, Division 4, Article 8, of the California Code of Regulations (CCR) pertaining to youth escape.

PUBLIC HEARING

The DJJ has not scheduled a public hearing on this proposed action. However, the DJJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

The public comment period will close on March 8, 2010. Any interested person may submit public com-

ments in writing (by mail, by fax, or by e-mail) relevant to this proposed regulatory action. To be considered by the DJJ, written comments must be submitted to the DJJ, Policy, Procedures, Programs, and Regulation (PPP&R) Unit, 4241 Williamsborough Drive, Suite 127, Sacramento, CA 95823; by fax at (916) 262-2608; or by e-mail at veronica.perez3@cdcr.ca.gov before the close of the comment period.

AUTHORITY

Section 1712 of the Welfare and Institutions (W&I) Code assigns responsibility to the CDCR to make and enforce all rules appropriate to the proper accomplishment of the functions of the DJJ.

REFERENCE

This action is proposed to implement, interpret, and/or make specific Section 1004 of the W&I Code, that states the DJJ shall have charge of the persons committed to or confined in DJJ facilities and shall provide for their care, supervision, education, training, employment, discipline, and government.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1712 of the Welfare and Institutions (W&I) Code establishes the California Department of Corrections and Rehabilitation has the responsibility to make and enforce all rules appropriate to the proper accomplishment of the functions of DJJ.

Section 1004 of the W&I Code establishes that the DJJ shall have charge of the persons committed to or confined in DJJ facilities and shall provide for their care, supervision, education, training, employment, discipline, and government.

The Division of Juvenile Justice (DJJ) regulations regarding youth escape need to be amended due to the DJJ's operational changes. The DJJ is in the process of incorporating the Office of Correctional Safety as an instrumental part of the youth escape plan. These amended regulation sections will establish employee responsibility and a revised plan of operation for reporting, pursuing, and apprehending a youth that has escaped the custody of the DJJ.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Veronica Perez
Policy, Procedures, Programs, and Regulations
Unit
Division of Juvenile Justice
(916) 262-3279

Questions regarding the substance of the proposed regulations should be directed to:

Major Larry Miranda
Office of Correctional Safety
Division of Juvenile Justice
(916) 323-2508

In the event the contact persons are not available, inquiries may be directed to the following back-up contact:

Angelina Parker
Policy, Procedures, Programs, and Regulations
Unit
Division of Juvenile Justice
(916) 262-1550

LOCAL MANDATES

This action imposes no local mandates on local agencies or school districts or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None
- Other nondiscretionary costs or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The DJJ has made the initial determination that the proposed regulations will not have a significant effect on housing costs.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The DJJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The DJJ has determined that the proposed regulation will not have a significant statewide adverse economic

impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The DJJ has determined that the proposed regulations will not affect small business due to the fact these regulations only apply to the DJJ and the youth in the custody of DJJ.

ASSESSMENTS REGARDING EFFECT ON JOBS/BUSINESS

DJJ has determined that the proposed regulations will have no effect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

ALTERNATIVES CONSIDERED

DJJ must determine that no reasonable alternative considered by the Division, or that otherwise has been identified and brought to the attention of the Division, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

DJJ has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based is available to the public on request directed to the DJJ's contact person. The proposed text, ISOR and Notice of Proposed Action will also be made available on the California Department of Corrections and Rehabilitation, Division of Juvenile Justice website <http://www.cdcr.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once completed, the final statement of reasons will be available upon request from the agency contact person indicated within this notice and posted at the above CDCR website.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the DJJ may adopt the proposed regulations as

set forth above without further notice. If the regulation text is modified by the DJJ and the changes are sufficiently related to the originally proposed action, the DJJ will make the modified text available (with the changes clearly indicated) to the public for at least 15 days prior to adopting the amended regulations. The DJJ will accept written comments pertaining to only the modified text during the 15-day period prior to adoption of the revised text. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt Sections 3768, 3768.1, 3768.2 and 3768.3 in the California Code of Regulations (CCR), Title 15 concerning the Parole Violation Decision Making Instrument and process.

PUBLIC HEARING:

Date and

Time: March 15, 2010 — 9:00 a.m. to 10:00 a.m.

Place: Department of Corrections and Rehabilitation
Office of Training & Professional
Development
10000 Goethe Road, Timber Peak/Mt.
Whitney Room
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close March 15, 2010, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)

255–5601; or by e–mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283–0001
Telephone (916) 255–5500

In the event the contact person is unavailable, inquiries should be directed to the following back–up person:

Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 255–5500

Questions regarding the substance of the proposed regulatory action should be directed to:

Mark Delfin
Division of Adult Parole Operations
Telephone (916) 327–8282

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or effect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to GC Section 11340.

This action provides the following:

- Adopts into the California Code of Regulations, Title 15, Division 3, new sections 3768, 3768.1, 3768.2 and 3768.3 that govern on a statewide basis, the Parole Violation Decision Making Instrument (PVDMI) and the process by which it is utilized.
- Brings the Department into compliance with special reform legislation, specifically Senate Bill (SB) X3-18, which adopts in part, PC Section

3015. SB X3-18 becomes effective January 25, 2010. More specifically, PC Sections 3015(b)-(b)(2) mandates and states in part that "the department shall employ a parole violation decision making instrument to determine the most appropriate sanctions for these parolees who violate their conditions of parole," and that "the department shall adopt emergency regulations to implement this section initially, and shall subsequently adopt permanent regulations that make appropriate changes in policies and procedures to reflect the intent of this section."

- Defines the function and use of the California Static Risk Assessment (CSRA) tool, which is a major component in the PVDMI process. The CSRA is incorporated by reference into the regulations, and a copy of the CSRA (new 12/09) has been made available for public review.
- Defines the range of risk levels recognized by the CSRA which include Low Risk, Moderate Risk, High Risk Drug, High Risk Property, and High Risk Violence.
- Establishes for use on a statewide basis, the automated CDCR Form 1500 (08/08), Parole Violation Decision Making Instrument, which is incorporated by reference into the regulations. A copy of the automated CDCR Form 1500 has been made available for public review. New language also provides how the form is to be used and completed by Departmental staff.
- Incorporates by reference into the regulations, the CDC Form 1676 (Rev. 3/97), Charge Sheet/Revocation Tracking/Scheduling Request. New language describes its use within the PVDMI process. A copy of the CDC Form 1676 has been made available for public review.
- Incorporates by reference into the regulations, a copy of the Violation Code Descriptions (new 12/09) which are used in the determination of "severity rankings." Violation Code Descriptions rate all parole violation codes in a numerical value from 1 to 4.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION ADOPTION

Date: January 22, 2010

Deadline for Submission of Written Comment:
March 8, 2010 — 5:00 p.m.

Hearing Date: None scheduled.

Subject Matter of Proposed Regulations: Grant
Administration Policy for Loan Recipients

Sections Affected:

The proposed regulation adopts section 100801 of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

Reference: Section 125290.30, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in early 2005 with the passage of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens’ Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Act charges the ICOC with developing standards and criteria to make grant and loan awards and to develop standards and criteria for proper oversight of these grants and loans.

Public-private partnerships involving research and development activities among industry, government, and universities can play an instrumental role in introducing key new technologies and valuable products to the commercial marketplace. Experience shows that partnerships involving government participation in research and development activities with industry, universities, and government laboratories can greatly facilitate the translation of basic research discoveries to products with societal benefits.

The mission of the CIRM is to foster and promote stem cell research with the aim of improving human health. A secondary goal is to strengthen California’s biotechnology industry and create collateral economic benefits such as high-paying jobs and increased tax revenues. CIRM believes that the funding of commercial research organizations focused on stem cell-related projects is a key component to achieving the overall mission of the Institute. Increased interest by the com-

mercial research sector in stem cell-related research projects and the successful translation of basic research discoveries into commercial products for public use are primary success indicators (among others) that can be used by CIRM to track benefits of commercial sector funding.

To achieve the goal of commercializing stem cell research-related products, CIRM will fund for-profit (commercial) research institutions in California via options that include grants and loans. As required by law, all CIRM-funded research activities must be conducted in the State of California. The goal of a loan program is to fund the translation of research into research tools, medical diagnostics and devices, and therapeutic products. These loans will be targeted at the funding gaps in product development that will serve to leverage participation by follow-on investors, such as venture capital and other capital markets, and result in more products that enter the market. For the State and CIRM, the advantage of a loan program versus a grant is the ability to recycle CIRM research funds, potentially enlarging the return for each CIRM research dollar expended. In addition to loan principal and interest, loans may also feature warrant coverage, depending on the type of loan, which will constitute additional interest-based return on the investment in light of risk posed.

In 2010, the California Institute for Regenerative Medicine (CIRM) will begin offering research loans to for-profit institutions. In 2009, the ICOC adopted a Loan Administration Policy to cover various administrative procedures that will apply to the review and administration of research loans and loan applications. That policy is the subject of a separate regulatory action. The Loan Task Force, a subcommittee of the ICOC, developed much of the policy.

Early in the task force’s meetings in 2008, it was determined that virtually all of the Intellectual Property regulations that applied in the context of grants should also apply to loan recipients. The exception, of course, is the requirement of grantees to share profits and other revenues with the state. In the context of loans, revenue sharing is superfluous in light of the loan repayment and warrant provisions of the loan program.

Currently, the agency’s IP regulations only apply to grants. A new regulation is necessary to extend certain provisions to loan recipients. To that end, and to ensure potential loan recipients in the Disease Team RFA are subject to the agency’s IP regulations, CIRM proposes to adopt Section 100801 — Intellectual Property Provisions Applicable to Loan Recipients.

Proposed regulation 100801 incorporates the agency’s consolidated IP regulations (sections 100600, *et seq.*), with the exception of regulation 100606, addressing revenue sharing. In addition, certain provisions of section 100602, that would require reporting of

revenues, are exempted for the same reasons as the revenue sharing requirement. Subdivision (b) of the interim regulation is intended to ensure that a loan recipient cooperates with CIRM in identifying third parties that may be interested in acquiring the loan recipient's intellectual property in the event the loan recipient is otherwise planning to abandon the intellectual property.

Technical, Theoretical or Empirical Studies, Reports or Documents:

A. Documents or Laws:

- Title 2, California Code of Regulations, sections 100600, *et seq.* — Intellectual Property and Revenue Sharing Requirements for Non-Profit and For-Profit Grantees (<http://www.cirm.ca.gov/cirmoperations/Regulations>)

B. Public Input:

Discussion and public input received at the following public meetings conducted by the Loan Task Force on 12/11/07, 1/16/08, 2/19/08, 3/11/08, 5/6/08; by the Finance Subcommittee on 9/20/08, 11/19/08; and ICOC on 8/13/08, 9/25/08, 1/30/09.

Copies of the documents referenced above are available at the internet link indicated or at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section "B" are available on CIRM's website, www.cirm.ca.gov under the "Meetings Transcripts" and "Meetings Minutes" links.

Submittal of Comments:

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on March 8, 2010. Comments regarding this proposed action may also be transmitted via e-mail to loanipreg@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than February 22, 2010.

Effect on Small Business:

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulation implements conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions, as well as large for-profit institutions. As such, the regulation is not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory action.

Effect on Housing Costs:

CIRM has made an initial determination that the proposed action will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs:

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives:

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective

and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Counsel to the Chair
ICOC
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9100

or,

Nancy Koch
California Institute for Regenerative Medicine
(415) 396-9253

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at www.cirm.ca.gov.

TITLE 18. BOARD OF EQUALIZATION

Notice of Proposed Regulatory Action

The State Board of Equalization Proposes to Adopt California Code of Regulations, Title 18, Sections

1004, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
1032, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
1124.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
1249, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
1336, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
1422.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
2251, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
2303.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
2433, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
2571, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
3022, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
3302.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
3502.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
4106, *Innocent Spouse or Registered Domestic Partner Relief from Liability*
4903, *Innocent Spouse or Registered Domestic Partner Relief from Liability*

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code sections (sections) 8251, 9251, 11651, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601, proposes to adopt California Code of Regulations, title 18, section (Regulation) 4903, *Innocent Spouse or Registered Domestic Partner Relief from Liability*. The proposed regulation will implement, interpret, and make specific Revenue and Taxation Code sections 7657.5, 8880, 11408.5, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5 (for ease of expression, hereafter, collectively "new relief statutes"), which authorize the Board to relieve an innocent

spouse, including a registered domestic partner, from liability for the particular taxes or fees to which the statutes pertain and provide the criteria upon which such relief may be based. Further, the proposed regulation implements, interprets, and makes specific sections 8101–8131, 9151–9156, 11551–11555, 30361–30384, 32401–32407, 38601–38607, 40111–40117, 41100–41106, 43451–43456, 45651–45656, 46501–46507, 50139–50142.2, 55221–55226, and 60501–60512 by clarifying that they apply to refunds that might be claimed under proposed Regulation 4903. The proposed regulation also implements, interprets, and makes specific Family Code sections 297, 297.5, and 308 defining registered domestic partners, the rights of registered domestic partners, and the recognition of marriages contracted outside of California, respectively.

The Board proposes to add Regulation 4903 to chapter 9.9, Special Taxes Administration–Miscellaneous, of division 2 of title 18 of the California Code of Regulations because it will apply to liabilities incurred under the Alcoholic Beverage Tax Law, Cigarette and Tobacco Products Tax Law, Diesel Fuel Tax Law, Emergency Telephone Users Surcharge Law, Energy Resources Surcharge Law, Fee Collection Procedures Law, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Motor Vehicle Fuel Tax Law, Oil Spill Response, Prevention, and Administration Fees Law, Private Railroad Car Tax Law, Timber Yield Tax Law, Underground Storage Tank Maintenance Fee Law, and Use Fuel Tax Law (for ease of expression, hereafter, collectively, “applicable special tax and fee laws”). Therefore, the Board also proposes, to adopt cross-referencing Regulations 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, and 4106, *Innocent Spouse or Registered Domestic Partner Relief from Liability* (hereafter, collectively, “cross-referencing regulations”). These cross-referencing regulations will be located in other chapters in title 18 that correspond with each of the applicable special tax and fee laws and direct taxpayers to the operative provisions in Regulation 4903. The Board proposes to adopt the cross-referencing regulations pursuant to the following statutory authorities in order to implement, interpret, and make specific the following statutes, in addition to Family Code sections 297, 297.5, and 308:

Regulation	Authority	Reference
Regulation 1004	Section 11651	Sections 11408.5 and 11551–11555
Regulation 1032	Section 38701	Sections 38454.5 and 38601–38607
Regulation 1124.1	Section 8251	Sections 7657.5 and 8101–8131

Regulation	Authority	Reference
Regulation 1249	Section 50152	Sections 50112.6 and 50139–50142.2
Regulation 1336	Section 9251	Sections 8880 and 9151–9156
Regulation 1422.1	Section 60601	Sections 60210.5 and 60501–60512
Regulation 2251	Section 46601	Sections 46159 and 46501–46507
Regulation 2303.1	Section 40171	Sections 40105 and 40111–40117
Regulation 2433	Section 41128	Sections 41099 and 41100–41106
Regulation 2571	Section 32451	Sections 32258 and 32401–32407
Regulation 3022	Section 43501	Sections 43159.1, 43159.2, and 43451–43456
Regulation 3302.1	Section 45851	Sections 45158 and 45651–45656
Regulation 3502.1	Section 55301	Sections 55045.1 and 55221–55226
Regulation 4106	Section 30451	Sections 30285 and 30361–30384

A public hearing on the proposed adoption of Regulation 4903 and the cross-referencing regulations will be held in Room 121, 450 N Street, Sacramento, California, at 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2010. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed regulations. In addition, if the Board receives written comments prior to the hearing on March 23, 2010, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt the proposed regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

In 1993, section 6456 was enacted to authorize the Board to grant innocent spouse and other equitable relief from sales and use tax liabilities to qualified spouses, under regulations prescribed by the Board. (Stats. 1993, ch. 181.) In 1997, the Board adopted Regulation 1705.1¹ to implement, interpret, and make specific section 6456 with respect to sales and use tax liabilities. Then, in January 2007, the Board added subdivision (j) to Regulation 1705.1 to recognize that on and after January 1, 2005, registered domestic partners have the same rights, protections and benefits under the law

¹ Regulation 1705.1 is available at www.boe.ca.gov/pdf/reg1705-1.pdf.

as are granted to and imposed upon spouses, including the ability to qualify for relief under section 6456. (Fam. Code, §§ 297 and 297.5.)

The new relief statutes are comparable to section 6456. They were enacted in March 2007 (Stats. 2007, ch. 342) to authorize the Board to grant innocent spouse and other equitable relief from liabilities imposed under the applicable special tax and fee laws to qualified spouses and registered domestic partners, under regulations prescribed by the Board, effective January 1, 2008. However, the Board has not adopted regulations to implement, interpret, and make specific the provisions of the new relief statutes.

Proposed Regulations

The Board proposes to adopt Regulation 4903, which is comparable to Regulation 1705.1, to prescribe the procedures and criteria for relieving an innocent spouse or registered domestic partner from liability under the applicable special tax and fee laws. Regulation 4903, subdivision (a), lists the general requirements that a spouse or registered domestic partner claiming relief must meet in order to be relieved from liability for the applicable special taxes and fees. Specifically, the claimant must establish that:

- The liability is attributable to the nonclaiming spouse or registered domestic partner;
- The claimant did not know of, and a reasonably prudent person in the claimant's circumstances would not have had reason to know of, the liability; and
- It would be inequitable to hold the claimant liable for the liability, taking into account whether the claimant significantly benefited directly or indirectly from the liability, and taking into account all other facts and circumstances.

Regulation 4903, subdivision (b), defines the term "benefitted," as it is used in the phrase "benefitted directly or indirectly." Regulation 4903, subdivision (c), defines the term "attribution," as it is used in the phrase "attributable to the nonclaiming spouse."

Regulation 4903, subdivision (d), provides that, if a spouse or registered domestic partner chooses to claim relief under the regulation, the request must be in writing and set forth the tax or fee account number, the period for which relief is requested, and the specific grounds on which the request for relief is based.

Regulation 4903, subdivision (e), clarifies the statute of limitations that applies to claims for relief from liability under the regulation, and subdivision (f) explains that refunds of taxes and fees are subject to the more specific statutory requirements provided by the relevant provisions in the applicable tax and fee laws. Regulation 4903, subdivision (g), clarifies that Regula-

tion 4903 is retroactive to liabilities arising prior to January 1, 2008.

Regulation 4903, subdivision (h), explains that the Board may still relieve a claimant from liability if, taking into account all the facts and circumstances, it would be inequitable to hold the claimant liable for an amount attributable to an item for which relief is not available under subdivisions (a) through (d), described above. Subdivision (h) also sets forth the criteria for equitable relief and lists the non-exclusive factors the Board may consider in deciding whether to grant or deny equitable relief.

Regulation 4903, subdivision (i), provides that the Board must notify a nonclaiming spouse or registered domestic partner by mail when his or her spouse or registered domestic partner files a claim for relief from liability and include the basis for the claim.

Regulation 4903, subdivision (j), clarifies that registered domestic partners have the same rights, protections, and benefits, and are subject to the same responsibilities, obligations, and duties, as are granted to and imposed upon spouses and thereby makes all of the provisions applicable to spouses applicable to registered domestic partners.

The specific purpose of proposed Regulation 4903 is to specify the requirements for claiming and granting innocent spouse and other equitable relief from liabilities incurred under the applicable special tax and fee laws. Proposed Regulation 4903 is necessary to prescribe the requirements for claiming and granting innocent spouse and other equitable relief from liabilities imposed under the applicable special tax and fee laws.

The Board proposes to add Regulation 4903 to chapter 9.9, Special Taxes Administration—Miscellaneous, of division 2 of title 18 of the California Code of Regulations because it will apply to liabilities incurred under all the applicable special tax and fee laws. Therefore, the Board also proposes to adopt the cross-referencing regulations, which will be located in other chapters in title 18 that specifically apply to each of the applicable special tax and fee laws and direct taxpayers to the operative provisions in Regulation 4903. Therefore, the specific purpose of the proposed cross-referencing regulations is to refer taxpayers to the operative provisions in Regulation 4903; and these cross-referencing regulations are necessary to ensure that taxpayers can easily locate Regulation 4903 in chapter 9.9, Special Taxes Administration—Miscellaneous.²

² The Board followed a consistent approach when it adopted Regulation 4902, *Relief from Liability*, and Regulations 1124, 1248, 1335, 1422, 2250, 2303, 2432, 2570, 3021, 3302, 3502, and 4105, *Relief from Liability*, which cross-reference Regulation 4902.

**COMPARABLE FEDERAL
REGULATIONS AND STATUTES**

Portions of the new relief statutes are comparable to portions of section 6015 of title 26 of the United State Code (Internal Revenue Code) and portions of proposed Regulation 4903 are comparable to portions of sections 1.6015-1 through 1.6015-8 of title 26 (Internal Revenue) of the Code of Federal Regulations pertaining to innocent spouse relief and equitable relief. The comparable provisions in Regulation 4903 and the federal regulations do not differ significantly, however, Regulation 4903, subdivision (e), pertaining to the statute of limitations for submitting claims, is slightly more favorable to the claimant than the comparable federal provision. (See 26 U.S.C.S. § 6015(b)(1)(E); and 26 C.F.R. § 1.6015.5(b)(1).) The proposed cross-referencing regulations do not have comparable federal regulations.

The significant differences between the new relief statutes and Internal Revenue Code section 6015 and significant differences between Regulation 4903 and the relevant federal regulations are due to differences in California and federal law that are not related to innocent spouse relief and equitable relief. For example, federal law does not allow registered domestic partners to file joint federal returns and therefore registered domestic partners cannot receive federal innocent spouse or equitable relief; and California law provides its own procedures for appealing liabilities imposed under the applicable special tax and fee laws.

**NO MANDATE ON LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The Board has determined that proposed Regulation 4903 and the proposed cross-referencing regulations do not impose a mandate on local agencies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

**NO COST OR SAVINGS TO STATE AGENCIES,
LOCAL AGENCIES, AND SCHOOL DISTRICTS**

The Board has determined that proposed Regulation 4903 and the proposed cross-referencing regulations will result in no direct or indirect cost or savings to any state agency, no costs to local agencies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code or any other non-discretionary costs or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE
ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESS**

The new relief statutes are comparable to section 6456. Proposed Regulation 4903 is consistent with the new relief statutes and Regulation 1705.1, which implements, interprets, and makes specific section 6456. Furthermore, the proposed cross-referencing regulations provide cross-references to Regulation 4903. Therefore, the Board has made an initial determination that proposed Regulation 4903 and the proposed cross-referencing regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulation may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This is because the proposed regulations do not impose any fees.

**RESULTS OF THE ASSESSMENT
REQUIRED BY GOVERNMENT CODE
SECTION 11346.3, SUBDIVISION (b)**

The Board has determined that the adoption of proposed Regulation 4903 and the proposed cross-referencing regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

**NO SIGNIFICANT EFFECT
ON HOUSING COSTS**

Adoption of proposed Regulation 4903 and the proposed cross-referencing regulations will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Ms. Carolee D. John-

stone, Tax, Counsel III (Specialist), by telephone at (916) 323-7713, by e-mail at *Carolee.Johnstone@boe.ca.gov*, or by mail at State Board of Equalization, Attn: Carolee D. Johnstone, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Acting Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at *Richard.Bennion@boe.ca.gov*, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:81, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an Initial Statement of Reasons and an underscored version of proposed Regulation 4903 and the proposed cross-referencing regulations showing their express terms. These documents and all information on which the proposed regulations are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the Initial Statement of Reasons are also available on the Board's Website at *www.boe.ca.gov*.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt proposed Regulation 4903 and the proposed cross-referencing regulations with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made to a proposed regulation, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts proposed Regulation 4903 and the proposed cross-referencing regulations, the Board will prepare a Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at *www.boe.ca.gov*.

GENERAL PUBLIC INTEREST

BOARD OF EQUALIZATION

NOTICE OF CORRECTION

Concerning the Board of Equalization's Notice of Proposed Action

The State Board of Equalization published a Notice of Proposed Regulatory Action (NOPRA) concerning the proposed adoption of California Code of Regulations, title 18, section (Regulation) 1698.5, Audit Procedures, in the January 15, 2010, edition of the California Regulatory Notice Register (Register 2010, No. 3-Z, Page 89). The second paragraph of the published NOPRA contained a typographical error, which incorrectly indicated that the public hearing regarding the proposed regulatory action was scheduled for March 23, 2009, and that the deadline for the Board to receive written comments was prior to the start of the 2009 hearing. The NOPRA should have correctly provided that:

"A public hearing on the proposed adoption of Regulation 1698.5 will be held in Room 121, 450 N Street, Sacramento, California, at 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2010. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed regulation."

"Any interested person may also submit written comments regarding the adoption of the proposed regulation. The written comment period closes at 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2010. Written comments received by Mr. Rick Bennion, at the postal address, email address, or fax number provided below, prior to the close of the written comment period will be submitted to and considered by the Board before the Board decides whether to adopt the proposed regulation."

Any inquiries regarding this correction should be made to Mr. Rick Bennion, Acting Regulations Coordi-

nator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:81, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF INTENT TO LIST SPIRODICLOFEN EXTENSION OF PUBLIC COMMENT PERIOD January 22, 2010

[Posted on OEHHHA web site on January 7, 2010]

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

On November 27, 2009, OEHHHA published a notice in the *California Regulatory Notice Register* (Register 2009, No. 48-Z) soliciting information which may be relevant to the evaluation of *spirodiclofen* under consideration for possible listing within the context of the Proposition 65 administrative listing regulatory criteria in Title 27 of the California Code of Regulations section 25306 (formerly Title 22 of the California Code of Regulations section 12306.)

The publication of the notice initiated a 30-day public comment period which would have closed on January 11, 2010. OEHHHA has received a request from an interested party seeking an extension of the comment period to allow for the submission of complete and relevant scientific information for *spirodiclofen*. **OEHHHA hereby extends the public comment period for *spirodiclofen* to 5 p.m., Monday, January 25, 2010.**

Written comments, along with any supporting documentation, may be transmitted via email addressed to coshita@oehha.ca.gov or to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street, 19th floor
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

It is requested that hard-copy comments be submitted in triplicate. **In order to be considered, comments must be received at OEHHHA by 5:00 p.m. Monday, January 25, 2010.**

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Title 2, Division 2, Rule 619.7(f) states that the Victim Compensation and Government Claims Board (VCGCB) shall maintain an index of significant and legal policy determinations contained in precedent decisions.

As authorized by Government Code section 11425.60, the VCGCB has designated several administrative decisions as precedent decisions. Members of the public may obtain the Index of Precedent Decisions by calling (916) 491-3863 or by sending a written request to the Victim Compensation and Government Claims Board, Attn: Geoff Feusahrens, 400 R Street, Suite 500, Sacramento, CA 95811. In addition, the Index of Precedent Decisions may also be found on the VCGCB website at <http://www.vcgcb.ca.gov>.

QUARTERLY INDEX OF REGULATORY ACTIONS

Quarterly Index of Regulatory Actions October 1, 2009 — December 31, 2009

This Quarterly Index lists regulatory actions during the period indicated, sorted alphabetically by agency. The file types are: C = Certificate of Compliance, E = Emergency, EON = Emergency by Operational Necessity, F = Filed with SOS Only, FP = Filed and Printed Only, N = Non-regulatory, P = Print Only, SR = Resubmittal, S = Regular Submittal.

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-0820-03	S	Eligibility and Custody of Notes	State Treasurer	APPROVAL
2009-0820-04	S	Performance Standards (ballast water discharge)	State Lands Commission	APPROVAL
2009-0824-03	S	Visiting Restrictions with Minors	Department of Corrections and Rehabilitation	APPROVAL
2009-0824-06	S	Partnerships; Disclosures	Department of Real Estate	APPROVAL
2009-0825-01	S	Delist American Peregrine Falcon from Endangered Species List	Fish and Game Commission	APPROVAL
2009-0825-04	S	Continuing Competency	Physical Therapy Board of California	APPROVAL
2009-0825-05	S	Renewal of License	Physician Assistant Committee	APPROVAL
2009-0825-06	S	Portable and Vehicle — Mounted Generators	Occupational Safety and Health Standards Board	APPROVAL
2009-0826-02	S	Disciplinary Guidelines	Board of Behavioral Sciences	APPROVAL
2009-0827-01	S	Group Disability Policy Benefit Reductions	Department of Insurance	WITHDRAWN
2009-0827-02	S	Scope of Practice in Licensed Health Facilities	Department of Public Health	DISAPPROVAL
2009-0827-03	SR	Children's Hospital Program of 2004	California Health Facilities Financing Authority	APPROVAL
2009-0828-01	C	Light Brown Apple Moth Eradication Area	Department of Food and Agriculture	APPROVAL
2009-0831-01	S	Tire Hauler and Manifest Regulations	California Integrated Waste Management Board	DISAPPROVAL
2009-0901-01	S	Lobsters, Permits to Take	Fish and Game Commission	APPROVAL
2009-0901-02	S	AB 118 Air Quality Improvement Program Guidelines 2009	Air Resources Board	APPROVAL
2009-0902-01	S	Testing Standards for Labs Performing HIV Screening	Department of Public Health	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-0903-01	SR	Broadband Facility Installation — Encroachment Permits	Department of Transportation	APPROVAL
2009-0903-02	S	Improve the Correlation Between Auto Premium and Actual Miles Driven	Department of Insurance	APPROVAL
2009-0903-03	S	MH-Seismic Bracing of Water Heater Appliances	Department of Housing and Community Development	APPROVAL
2009-0903-07	S	ETO for Religious Events	Department of Corrections and Rehabilitation	APPROVAL
2009-0908-01	S	Equipment and Training Regulations	Department of Boating and Waterways	APPROVAL
2009-0908-02	C	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-0908-03	S	Small Off-Road Engine Regulations (SORE)	Air Resources Board	DISAPPROVAL
2009-0908-04	S	Large Spark-Ignition Engine Regulations (LSI)	Air Resources Board	APPROVAL
2009-0915-03	S	Fire Prevention Precautions, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-0915-04	S	Request for Renewal of SYPs, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-0915-05	S	FIP, UFP, and Chaparral Management, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-0915-06	S	Coupling of Horses	California Horse Racing Board	APPROVAL
2009-0915-07	N	Blue Grouse	Fish and Game Commission	APPROVAL
2009-0916-01	S	Frequency and Severity Bands Manual	Department of Insurance	APPROVAL
2009-0917-01	N	General Use on State and Federal Areas	Fish and Game Commission	APPROVAL
2009-0921-01	P	Conflict-of-Interest Code	Department of Veterans Affairs	APPROVAL
2009-0921-02	N	Proposition 65 Definitions	Office of Environmental Health Hazard Assessment	APPROVAL
2009-0921-03	S	Blue Stop Signs, Blue Flags and Blue Lights	Occupational Safety and Health Standards Board	APPROVAL
2009-0921-04	S	Electric Blasting in Proximity to Radio Transmitters	Occupational Safety and Health Standards Board	APPROVAL
2009-0921-05	S	Fixed Ladders	Occupational Safety and Health Standards Board	APPROVAL
2009-0922-01	S	California High School Exit Examination (CAHSEE)	Board of Education	APPROVAL
2009-0922-02	S	Scope of Authority for CALPIA and PIB	Prison Industry Authority, California	WITHDRAWN

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-0923-01	S	MHSA Workforce Education and Training	Department of Mental Health	PART_APPR/DISAPPR
2009-0923-03	P	Waiver of Custody Rules/DMH ICF Treatment Endorsements	Department of Corrections and Rehabilitation	PRINT_ONLY
2009-0924-01	S	Emission Inspection System Revisions	Bureau of Automotive Repair	APPROVAL
2009-0924-02	S	BPA to establish a TMDL for pathogens in Richardson Bay	State Water Resources Control Board	APPROVAL
2009-0924-03	SR	Financial Assistance for Flood Management Projects	Department of Water Resources	APPROVAL
2009-0924-04	C	Leroy F. Greene School Facilities Act of 1998: SFP Financial Crisis	State Allocation Board	APPROVAL
2009-0925-01	S	Applicability of Fed. Regs Related to Limitations on Certain Built-In Losses	Franchise Tax Board	WITHDRAWN
2009-0928-01	S	Health Care Organization Regulations	Division of Workers Compensation	APPROVAL
2009-0928-02	SR	Enforcement Regulations	Professional Fiduciaries Bureau	DISAPPROVAL
2009-0929-01	P	Ch. 6 (Withdrawal and Repetition) and Ch. 9 (Immediate Supervision)	Board of Governors, California Community Colleges	PRINT_ONLY
2009-0929-02	N	Clarification and Various Corrections	Commission on Peace Officer Standards and Training	APPROVAL
2009-0929-03	C	Leroy F. Greene School Facilities Act of 1998; Charter and COS	State Allocation Board	APPROVAL
2009-0930-01	C	SB 39, Child Fatality Reporting and Disclosure Requirements	Department of Social Services	APPROVAL
2009-0930-02	N	Reduced Fee Identification Cards	Department of Motor Vehicles	WITHDRAWN
2009-0930-03	N	Building Code Reference (Radiation Shielding Requirements)	Department of Public Health	APPROVAL
2009-1001-01	N	Mobilehome Parks Act	Department of Housing and Community Development	APPROVAL
2009-1001-02	SR	Proprietary Private Security Officer Training	Bureau of Security and Investigative Services	APPROVAL
2009-1002-01	NR	Auto Body Repair Consumer Bill of Rights	Department of Insurance	APPROVAL
2009-1005-01	E	California Pollution Control Financing Authority Bond Program	California Pollution Control Financing Authority	WITHDRAWN
2009-1005-02	E	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1005-03	S	Election Recounts Requested By Voters	Secretary of State	APPROVAL
2009-1006-01	S	Correction of Regulations due to recent changes in names of exchanges and related entities.	Department of Corporations	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-1006-02	C	Leroy F. Greene School Facilities Act of 1998; CTEFP & Joint Use	State Allocation Board	APPROVAL
2009-1007-01	S	Update the forms used by CAARP to provide commercial auto insurance	Department of Insurance	DISAPPROVAL
2009-1007-02	FP	Amendment to CAARP, Rule 124	Department of Insurance	FILE_PRINT_ONLY
2009-1007-03	S	Insured notified faster if app. rejected for outstanding payment	Department of Insurance	APPROVAL
2009-1007-04	S	Updates language to coincide with the CAARP application	Department of Insurance	DISAPPROVAL
2009-1007-05	S	Updates language to coincide with other parts of the Plan	Department of Insurance	APPROVAL
2009-1007-06	FP	Amendment to CAARP, Rule 53	Department of Insurance	FILE_PRINT_ONLY
2009-1007-07	S	Safe vehicle operation at Oceano Dunes State Vehicular Recreation Area	Department of Parks and Recreation	WITHDRAWN
2009-1007-08	S	Portable Gasoline Containers — Remove requirements	Office of the State Fire Marshal	APPROVAL
2009-1007-09	SR	Automatic Fire Extinguishing Systems — Type L	Office of the State Fire Marshal	APPROVAL
2009-1008-01	EE	Remote Caller Bingo Licensing; Recognition of Organizations	California Gambling Control Commission	WITHDRAWN
2009-1009-01	S	Definition of California Supplier	California Institute for Regenerative Medicine	APPROVAL
2009-1012-01	EE	Incidental Take of Pacific Fisher During Candidacy	Fish and Game Commission	APPROVAL
2009-1013-01	S	Commercial Herring Fishery	Fish and Game Commission	APPROVAL
2009-1013-02	S	Training and Testing Specifications for Peace Officer Basic Courses	Commission on Peace Officer Standards and Training	APPROVAL
2009-1013-03	FPPC	Agency Raffles and Gift Exchanges	Fair Political Practices Commission	APPROVAL
2009-1013-04	FPPC	Designated Employees and Consultants	Fair Political Practices Commission	APPROVAL
2009-1014-01	S	Evaluation for “Take” Avoidance of Northern Spotted Owl, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-1014-02	S	Emergency Notice Effective Period Extension, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-1014-03	S	Definition of Employees, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-1014-04	S	Continuing Education	Board of Guide Dogs for the Blind	APPROVAL
2009-1014-05	S	Leroy F. Greene School Facilities Act of 1998; Implement SB 658	State Allocation Board	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-1014-06	S	Karnal Bunt Disease Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1015-01	E	Emergency Fee Regulations to Conform with Budget Act 2009-10	State Water Resources Control Board	APPROVAL
2009-1015-02	S	Inmate Law Libraries	Department of Corrections and Rehabilitation	APPROVAL
2009-1015-03	S	Anadromous Salmonid Protection Rules, 2009	Board of Forestry and Fire Protection	APPROVAL
2009-1015-04	E	State Hospital Operations	Department of Mental Health	PART_APPR/WITH
2009-1015-05	S	Sign and Solar Contractors, Re-Exams, & Advertising	Contractors State License Board	APPROVAL
2009-1019-01	P	Conflict of Interest code	Victim Compensation and Government Claims Board	PRINT_ONLY
2009-1019-02	S	Truck/Bus Rule 2008	Air Resources Board	APPROVAL
2009-1020-01	S	Fees for Lake or Streambed Alteration Agreements	Department of Fish and Game	APPROVAL
2009-1020-02	ER	California Pollution Control Financing Authority Bond Program	California Pollution Control Financing Authority	APPROVAL
2009-1020-03	EFPP	HFP Subscriber Premium Increase	Managed Risk Medical Insurance Board	FILE_PRINT_ONLY
2009-1020-04	EFPP	Increasing Copayments and Limiting Choice of Dental Plans	Managed Risk Medical Insurance Board	FILE_PRINT_ONLY
2009-1020-05	FP	Voters FIRST Act	Bureau of State Audits	FILE_PRINT_ONLY
2009-1020-06	S	Momentary Contact Devices for Portable Power Driven Augers	Occupational Safety and Health Standards Board	APPROVAL
2009-1021-01	S	Annual Financial Reporting	Department of Insurance	APPROVAL
2009-1023-01	E	Asian Citrus Psyllid Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1023-02	S	TPPS and Gambling Business License Renewal	California Gambling Control Commission	APPROVAL
2009-1023-03	S	Credit, Check, and ATMs	California Gambling Control Commission	APPROVAL
2009-1023-04	S	GHG Emissions From Heavy-Duty Vehicles 2008	Air Resources Board	APPROVAL
2009-1023-05	S	Truck/Bus Rule 2008	Air Resources Board	APPROVAL
2009-1026-01	SR	Amendments Related to AB 5 & Technical Updates	Central Valley Flood Protection Board	APPROVAL
2009-1026-02	S	Definitions	Board of Occupational Therapy	WITHDRAWN
2009-1026-03	S	Renewal of License or Certificate	Board of Occupational Therapy	WITHDRAWN

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-1027-01	S	Definitions	Board of Occupational Therapy	WITHDRAWN
2009-1027-02	SR	Continuing Education for Registered Environmental Health Specialists	Department of Public Health	APPROVAL
2009-1028-01	FP	Labor Enforcement and Compliance Fund, and Assessments	Department of Industrial Relations	FILE_PRINT_ONLY
2009-1028-02	S	Semiconductor Operations 2009	Air Resources Board	APPROVAL
2009-1028-03	C	Disenrollment AER Implementation	Managed Risk Medical Insurance Board	APPROVAL
2009-1029-01	EE	Storage of Biodiesel Blends in Underground Storage Tanks	State Water Resources Control Board	APPROVAL
2009-1029-02	N	MPP Section 70-104.2 Editorial Correction	Department of Social Services	APPROVAL
2009-1030-01	S	Fire Apparatus Axle Weight Exemptions	Department of Transportation	DISAPPROVAL
2009-1030-02	S	Smog Inspection Requirements	Bureau of Automotive Repair	APPROVAL
2009-1030-03	C	Audits of K-12 LEAs — FY 2009-10	Education Audit Appeals Panel	APPROVAL
2009-1102-01	S	Intellectual Property and Revenue Sharing for/Non-Profit Grants	California Institute for Regenerative Medicine	APPROVAL
2009-1103-01	S	Modification to Continuing Medical Education Audit	Medical Board of California	APPROVAL
2009-1103-02	S	Review of International Medical Schools	Medical Board of California	APPROVAL
2009-1103-03	S	CAEATFA Fee Program	California Alternative Energy and Advanced Transportation Financing Authority	WITHDRAWN
2009-1103-04	S	Timely Access to Non-Emergency Health Care Services	Department of Managed Health Care	APPROVAL
2009-1103-05	P	Chemicals Known to the State to Cause Cancer or Reproductive Toxicity	Office of Environmental Health Hazard Assessment	FILE_PRINT_ONLY
2009-1104-01	S	Special Education Teaching and Services Credentials	Commission on Teacher Credentialing	WITHDRAWN
2009-1105-01	E	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1106-01	N	Workers' Compensation — Forms	Division of Workers Compensation	APPROVAL
2009-1106-02	S	Ballots Designations	Secretary of State	APPROVAL
2009-1109-01	FP	Conflict of Interest Code, CCR, Title 24, Part 1, Chapter 7	Building Standards Commission	APPROVAL
2009-1109-02	S	Reasonable Suspicion Standard for Inmates Searches	Department of Corrections and Rehabilitation	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-1110-01	S	Increasing Small Business Ceiling	Department of General Services	APPROVAL
2009-1110-02	FP	Administrative Fee for Vehicle Code Book	Department of Motor Vehicles	FILE_PRINT_ONLY
2009-1110-03	S	Total Loss Salvage and Nonrepairable Vehicles	Department of Motor Vehicles	APPROVAL
2009-1110-04	EE	California Film and Television Tax Credit Program	California Film Commission	APPROVAL
2009-1110-05	E	AIM Elimination of Duration al Residency Requirement	Managed Risk Medical Insurance Board	WITHDRAWN
2009-1110-06	S	Allocation and Transfer of Federal Funds	Department of Aging	APPROVAL
2009-1112-01	EE	Incidental Take of California Tiger Salamander During Candidacy	Fish and Game Commission	APPROVAL
2009-1112-02	S	Non-Semiconductor 2009	Air Resources Board	APPROVAL
2009-1112-03	E	Mediterranean Fruit Fly Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1112-04	E	Asian Citrus Psyllid Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1113-01	SR	Disability Income Insurance Benefit Reduction Regulations	Department of Insurance	APPROVAL
2009-1116-01	C	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1117-01	S	Continuing Education	Board of Accountancy	APPROVAL
2009-1118-02	C	Offender Treatment Program	Department of Alcohol and Drug Programs	APPROVAL
2009-1118-03	NR	Treatment Authorization Requests	Department of Health Care Services	WITHDRAWN
2009-1119-01	S	Uplist Delta Smelt to Endangered Species Status	Fish and Game Commission	APPROVAL
2009-1119-03	E	Leroy F. Greene School Facilities Act of 1998; Seismic Mitigation Program	State Allocation Board	APPROVAL
2009-1123-03	S	Transitional Housing Unit	Department of Corrections and Rehabilitation	APPROVAL
2009-1123-06	S	Expanded Range of E-Codes, PLS, ESOP, Pt. Disp., Address Updates, DoB	Office of Statewide Health Planning and Development	APPROVAL
2009-1123-07	FP	Residence Reclassification — Financial Independence Requirement	California State University	APPROVAL
2009-1123-08	ER	AIM Elimination of Durational Residency Requirement	Managed Risk Medical Insurance Board	APPROVAL
2009-1123-09	E	MRMIP Guaranteed Issue Pilot Program Reconciliation	Managed Risk Medical Insurance Board	APPROVAL
2009-1123-10	E	Asian Citrus Psyllid Interior Quarantine	Department of Food and Agriculture	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 4-Z

File#	Case type	Caption/Subject	Agency	OAL Decision
2009-1124-01	EE	California Foreclosure Prevention Act	Department of Real Estate	APPROVAL
2009-1124-02	EE	California Foreclosure Prevention Act	Department of Corporations	APPROVAL
2009-1124-03	P	Cooperative Work Experience Education	Board of Governors, California Community Colleges	PRINT_ONLY
2009-1125-01	EE	California Foreclosure Prevention Act	Department of Financial Institutions	APPROVAL
2009-1130-01	E	Peer Review Program	Board of Accountancy	APPROVAL
2009-1203-01	EE	Licensure and Certification Fees	Department of Alcohol and Drug Programs	WITHDRAWN
2009-1203-03	P	Conflict-of-Interest Code	Environmental Protection Agency	APPROVAL
2009-1203-05	FP	In-Use Off-Road Diesel Fueled Fleets	Air Resources Board	FILE_PRINT_ONLY
2009-1203-06	S	In-Use Off-Road Diesel Vehicles 2009	Air Resources Board	APPROVAL
2009-1207-01	E	Implement: California National Guard Education Assistance Award Program	California Student Aid Commission	APPROVAL
2009-1208-01	EFPP	Emergency Regs. To Conform With Budget Act 2009/10 (ch 1, st of 2009)	State Water Resources Control Board	FILE_PRINT_ONLY
2009-1209-02	E	California Capital Access Program for Small Business	California Pollution Control Financing Authority	APPROVAL
2009-1210-01	E	Distributor Emergency Regulations	Department of Conservation	APPROVAL
2009-1214-02	EE	Light Brown Apple Moth Eradication Area	Department of Food and Agriculture	APPROVAL
2009-1214-03	EE	Licensure and Certification Fees	Department of Alcohol and Drug Programs	APPROVAL
2009-1215-03	E	Mediterranean Fruit Fly Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1216-03	EE	Title IV-E Foster Care Overpayment Regulations	Department of Social Services	APPROVAL
2009-1216-10	E	Leroy F. Greene School Facilities Act of 1998; Fiscal Crisis SFP Amend	State Allocation Board	APPROVAL
2009-1223-02	EE	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1223-03	E	Light Brown Apple Moth Interior Quarantine	Department of Food and Agriculture	APPROVAL
2009-1223-04	SR	Safe Vehicle Operation at Oceano Dunes State Vehicular Recreation Area	Department of Parks and Recreation	APPROVAL
2009-1228-01	EE	Oriental Fruit Fly Interior Quarantine	Department of Food and Agriculture	APPROVAL

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-1125-05

AIR RESOURCES BOARD

Low Carbon Fuel Standard 2009

This action implements the low carbon fuel standard identified as a discrete early action greenhouse gas emission reduction measure and included in the Board's scoping plan for greenhouse gas reductions by 2020 pursuant to Health and Safety Code sections 38560.5 and 38561, respectively.

Title 17

California Code of Regulations

ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490

Filed 01/12/2010

Effective 01/12/2010

Agency Contact: Amy Whiting (916) 322-6533

File# 2009-1125-02

BOARD OF ACCOUNTANCY

Definition of Attest Services and Attest Report

The Board of Accountancy adopted title 16, California Code of Regulations, section 2.4 to clarify and define the terms "attest services" and "attest report," as used in Business and Professions Code sections 5095 and 5096.5.

Title 16

California Code of Regulations

ADOPT: 2.4

Filed 01/06/2010

Effective 02/05/2010

Agency Contact:

Matthew Stanley (916) 561-1792

File# 2009-1124-04

BOARD OF OPTOMETRY

Notification of Intention to Engage in Practice

This Section 100 change without regulatory effect filing replaces the words "certificate holder" with "licens-

ee" in T16 CCR section 1505 which governs notification of intention to engage in the practice of optometry.

Title 16

California Code of Regulations

AMEND: 1505

Filed 01/06/2010

Agency Contact: Andrea Leiva (916) 575-7182

File# 2009-1119-04

BOARD OF PHARMACY

Compounding and Sterile Injectable Compounding

This rulemaking repeals two sections, adopts several new sections and amends several sections in Title 16 of the California Code of Regulations. This rulemaking is designed to adopt a new Article 4.5 dealing with compounding (the customization of medication for patients) in addition to the already existing Article 7 that deals with Sterile Injectable Compounding. This rulemaking re-organizes some of the sections in the CCR to prevent duplication in the two articles and to reorganize Article 7 to ensure that it is consistent with the new article. These regulations address the strength, efficacy and quality in compounding. These regulations develop definitions for compounding and establish the procedures and requirements that pharmacists must follow including the development of a quality assurance program. The goal is to provide uniform regulations for compounding to protect California consumers.

Title 16

California Code of Regulations

ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9 REPEAL: 1716.1, 1716.2, 1751.1, 1751.6, 1751.9

Filed 01/06/2010

Effective 07/06/2010

Agency Contact: Carolyn Klein (916) 574-7913

File# 2009-1123-01

CORRECTIONS STANDARDS AUTHORITY

Editorial/Non-Substantive Changes

The Corrections Standards Authority amended multiple sections in title 15 of the California Code of Regulations to replace "Board of Corrections" with "Corrections Standards Authority", replace "Youth and Adult Correctional Agency" with "California Department of Corrections and Rehabilitation", replace "Executive Officer" with "Executive Director", update references to sections in title 24 that have been renumbered, conform section 1 with the conflict of interest provisions for the Corrections Standards Authority in section 7001 in title 15, and make other nonsubstantive changes.

Title 15
 California Code of Regulations
 AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352,
 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032,
 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100,
 1122, 1140, 1160, 1245, 1260, 1264, 1272, 1280
 Filed 01/07/2010
 Agency Contact:
 Charlene Aboytes (916) 324-1914

File# 2009-1218-01
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Parole Violation Decision Making Instrument

This emergency regulatory action, submitted to OAL pursuant to Penal Code section 5058.3 as operationally necessary, establishes and incorporates by reference the Parole Violation Decision Making Instrument (PVDMI) to enable parole staff to uniformly determine, recommend, and impose proportionate and consistent sanctions for parole violators. The sanctions will be based on the risk level, as determined by the California Static Risk Assessment (incorporated by reference), of the offender and the severity of the violation based on "severity rankings" as determined by rating all known parole violation codes, provided in the Violation Code Descriptions (incorporated by reference). This regulatory action is currently adopted by the Department as a pilot program (title 15, CCR, section 3999.6) effective October 15, 2008.

Title 15
 California Code of Regulations
 ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL:
 3999.6
 Filed 01/07/2010
 Effective 01/25/2010
 Agency Contact: Randy Marshall (916) 255-5785

File# 2009-1125-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Mediterranean Fruit Fly Interior Quarantine

This is the certification of an emergency regulatory action that expanded the existing quarantine area for the Mediterranean fruit fly to include approximately 106 square miles around the Mira Mesa area of San Diego County.

Title 3
 California Code of Regulations
 AMEND: 3406(b) and (c)
 Filed 01/11/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2009-1125-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This is the certification of compliance for an emergency action originally filed with the Secretary of State on 3/18/2009 and readopted on 9/14/2009 that expanded the area under quarantine in the central southern portion of Riverside County to help prevent the spread of the Asian Citrus Psyllid, associated bacteria, and Citrus Greening disease.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 01/06/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2010-0104-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

This is the readoption of four emergency actions (OAL file numbers 2009-0716-04E, 2009-0730-04E, 2009-0810-01E and 2009-0901-04E) with respect to quarantine areas for the light brown apple moth (LBAM; *Epiphyas postvittana*): OAL file number 2009-0716-04E expanded the regulated area in Contra Costa County by approximately 32 square miles and the regulated area in Hollister by approximately 12 square miles. It also established new regulated areas in the Gonzales area of Monterey of approximately 18 square miles, Manteca (18 sq. miles), and Fairfield (15 sq. miles) OAL file number 2009-0730-04E expanded the area under quarantine in Sonoma, Santa Clara and Solano Counties and removed the Parkfield area of Monterey County. Additionally it added specified commercial produced crops to the list of crops exempted by the quarantine. OAL file number 2009-0810-01E established new regulated quarantine areas in the Long Beach area of Los Angeles County of approximately 9 square miles and in the Los Osos area of San Luis Obispo County of approximately 11 square miles. OAL file number 2009-0901-04E expanded the existing regulated areas in Alameda, Contra Costa, Monterey, Napa, San Benito and Solano Counties by approximately 161 square miles.

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 01/12/2010
 Effective 01/12/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2009–1124–05

DEPARTMENT OF INSURANCE**Hearing Procedures in Prior Approval Matters**

In this “changes without regulatory effect” filing, the Department of Insurance makes minor, nonsubstantive changes to its hearing procedure regulations entitled “Rules of Practice and Procedure for Rate Proceedings.”

Title 10**California Code of Regulations**

AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4

Filed 01/07/2010

Agency Contact: Cathy Snell (916) 492–3536

File# 2009–1203–04

DEPARTMENT OF JUSTICE**Integrated Waste Management Board Bond Form**

This action is to request printing of a history note in the California Code of Regulations to indicate an amendment to the surety bond for Waste Tire Haulers.

Title 11**California Code of Regulations**

AMEND: 38.3

Filed 01/11/2010

Effective 01/11/2010

Agency Contact: Karen W. Yiu (415) 703–5385

File# 2009–1123–02

DEPARTMENT OF PARKS AND RECREATION**OHMVR Grants and Cooperative Agreements Program**

This regulatory action deals with grant agreements with local and state agencies, nonprofit organizations, and educational institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off–Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation. The OHMVR Grants and Cooperative Agreements Program (Program) allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high–quality Off–Highway Vehicle (OHV) recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils and animal habitats in a manner that will sustain long–term OHV recreation. Assistance is provided in the form of reimbursable grant funding. This regulatory action refines and fine tunes the Program and documents incorporated by reference after the completion of the first grants cycle (2008/09) after the overhaul of the Program pursuant to SB 742 in 2008. The amendments to the regulations in-

clude definitions, application requirements, types of projects, and content for various forms as well as the adoption of a new form of General Provisions for federal agencies other than Bureau of Land Management and Forest Services. An early effective date of January 11, 2010 was requested to meet the deadlines for the upcoming grant cycle.

Title 14**California Code of Regulations**

AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26

Filed 01/08/2010

Effective 01/11/2010

Agency Contact:

Sixto Fernandez (916) 324–1572

File# 2009–1214–04

FAIR POLITICAL PRACTICES COMMISSION**Definition of Dependent Children, Gifts to Members of an Official’s Family**

This FPPC rulemaking adopts a new definition of “Dependent Children” and amends (by repeal and adopt) limitations on gifts to members of a public official’s or candidate’s family.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.])

Title 2**California Code of Regulations**

ADOPT: 18229.1, 18944 REPEAL: 18944

Filed 01/11/2010

Effective 02/10/2010

Agency Contact:

Virginia Latteri–Lopez (916) 324–3854

File# 2009–1202–01

FISH AND GAME COMMISSION**Bay Delta Sport Fishing Enhancement Stamp**

This Section 100 filing repeals section 1.18 in T14 of the CCR because the specific authority for imposition of a Bay Delta Sports Fishing Enhancement Stamp was provided by Fish and Game Code section 7360 which the legislature repealed in its entirety in AB 1052 (Chap 381, Stats 2009).

Title 14
California Code of Regulations
REPEAL: 1.18
Filed 01/13/2010
Agency Contact:
Jon Snellstrom (916) 653-4899

File# 2009-1201-01
OFFICE OF THE STATE CHIEF INFORMATION
OFFICER
Conflict of Interest Code

The Office of the State Chief Information Officer is adopting its conflict of interest code found at title 2, div. 8, ch. 119, sec. 59640, California Code of Regulations. The adoption was approved for filing by the Fair Political Practices Commission on June 26, 2009.

Title 2
California Code of Regulations
ADOPT: div. 8, ch. 119, sec. 59640
Filed 01/13/2010
Effective 02/12/2010
Agency Contact: Vanessa Rose (916) 739-7898

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 12, 2009 TO
January 13, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

01/13/10 ADOPT: div. 8, ch. 119, sec. 59640
01/11/10 ADOPT: 18229.1, 18944 REPEAL:
18944
01/05/10 AMEND: div. 8, ch. 49, sec. 53800
12/22/09 AMEND: 1859.96, 1859.148.2,
1859.166.2
12/21/09 AMEND: 1896.4, 1896.12
12/21/09 ADOPT: 20714.5 AMEND: 20711,
20712, 20714, 20716, 20717, 20718,
20719
11/24/09 AMEND: 1859.2
11/24/09 AMEND: 1859.2, 1859.35, 1859.51,
Form SAB 50-02, SAB Form 50-03,
SAB Form 50-04
11/17/09 ADOPT: 20810, 20811, 20812, 20813,
20814, 20815, 20816, 20817, 20818,

20819, 20820, 20821, 20822, 20823,
20830, 20831, 20832, 20833, 20840,
20841, 20842
11/16/09 AMEND: 1859.129, 1859.197
11/12/09 ADOPT: 18944.4 AMEND: 18944.3
11/12/09 ADOPT: 18219, 18734
11/09/09 ADOPT: 1859.148.2, 1859.166.2
AMEND: 1859.2, 1859.121, 1859.164.2,
1859.197
11/09/09 ADOPT: 604 REPEAL: 604
11/05/09 ADOPT: 60800, 60801, 60802, 60803,
60804, 60805, 60806, 60807, 60808,
60809, 60810, 60811, 60812, 60813,
60814, 60815, 60816, 60817, 60818,
60819, 60820, 60821, 60822, 60823,
60824, 60825, 60826, 60827, 60828,
60829, 60830, 60831, 60832, 60833,
60834, 60835, 60836, 60837, 60840,
60841, 60842, 60843, 60844, 60845,
60846, 60847, 60848, 60849, 60850,
60851, 60852, 60853, 60854, 60855
11/03/09 ADOPT: 1859.96 AMEND: 1859.2,
1859.90
10/01/09 AMEND: 2291, 2292, 2294 ADOPT:
2297
10/01/09 AMEND: 1898.2, 1898.7
09/22/09 ADOPT: 18603, 18603.1
09/22/09 ADOPT: 18901.1 AMEND: 18420.1
09/18/09 AMEND: 1859.76
09/17/09 AMEND: 2270, 2271
09/14/09 AMEND: 588.1, 588.2
08/31/09 ADOPT: 1859.324.2 AMEND:
1859.302, 1859.324.1, 1859.330

Title 3

01/12/10 AMEND: 3434(b)
01/11/10 AMEND: 3406(b) and (c)
01/06/10 AMEND: 3435(b)
01/04/10 AMEND: 2675, 2734, 2735
12/31/09 AMEND: 3434(b), (c), (e)
12/29/09 AMEND: 3423(b)
12/28/09 AMEND: 3434(b)
12/28/09 AMEND: 3434(b)
12/16/09 AMEND: 3591.20(a)
12/16/09 AMEND: 3406(b)(c)
11/25/09 AMEND: 3435(b)
11/24/09 AMEND: 3430(b)
11/16/09 AMEND: 3435(b)
11/16/09 AMEND: 3406(b)(c)
11/10/09 AMEND: 3434(b)
10/30/09 AMEND: 3435(b), (c) and (d)
10/15/09 AMEND: 3434(b)
10/08/09 AMEND: 3434(b)
10/08/09 AMEND: 3591.20(a)
09/24/09 AMEND: 3406(b)

09/24/09 AMEND: 3434(b)
 09/22/09 AMEND: 6562
 09/15/09 AMEND: 3434(b)
 09/14/09 AMEND: 3435(b)
 09/10/09 ADOPT: 2300.1, 2300.2, 2300.3
 AMEND: 2300
 09/09/09 AMEND: 3434(b)
 09/03/09 AMEND: 3434(b)
 09/01/09 AMEND: 3435(b)
 08/28/09 AMEND: 3434(b)
 08/27/09 AMEND: 3435(b)
 08/27/09 AMEND: 3588
 08/26/09 AMEND: 6400, 6502, 6620,
 6626(a)–(b), 6626(c), 6627, 6670, 6672,
 6736, and incorporated by reference
 forms
 08/20/09 AMEND: 3406(b)
 08/20/09 AMEND: 3591.13(a)
 08/13/09 AMEND: 3434(b)
 08/13/09 AMEND: 6618, 6619, 6761.1, 6770,
 6771
 08/12/09 ADOPT: 902.15

Title 4

12/17/09 AMEND: 8070, 8072, 8073, 8074
 12/09/09 AMEND: 12388
 12/08/09 ADOPT: 12218.8, 12218.9, 12238,
 12239 AMEND: 12200.9, 12200.10A,
 12200.11, 12200.13, 12203.2, 12205.1,
 12218, 12218.7, 12220.13, 12220.18,
 12220.23, 12225.1, 12233, 12235
 10/27/09 AMEND: 8034, 8035, 8042, 8043
 10/20/09 AMEND: 1606
 10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038,
 7042, 7044, 7045, 7046, 7048, 7049,
 7050
 08/25/09 ADOPT: 12380, 12381, 12384, 12385,
 12386 AMEND: 12360

Title 5

01/04/10 AMEND: 1203, 1204, 1205, 1206,
 1207.1, 1208, 1209, 1211, 1217, 1218,
 1219, 1220, 1225
 12/18/09 AMEND: 41905
 12/16/09 ADOPT: 19828.4, 19837.3, 19839,
 19845.2 AMEND: 19815, 19816,
 19816.1, 19828.3, 19837.2, 19845.1,
 19846
 12/16/09 ADOPT: 30730, 30731, 30732, 30733,
 30734, 30735, 30736
 11/03/09 AMEND: 1200, 1204.5, 1207, 1207.5,
 1210, 1211.5, 1215, 1215.5, 1216
 REPEAL: 1207.2
 08/20/09 ADOPT: 19825.1 AMEND: 19816,
 19816.1, 19825, 19825.1 (renumber to
 19825.2)

Title 8

12/09/09 AMEND: 9812, 10111.2
 12/02/09 AMEND: 4086
 11/19/09 AMEND: 15600, 15601, 15602, 15603,
 15604, 15605, 15606, 15607, 15611
 11/04/09 AMEND: 9771, 9778, 9779, 9779.5
 REPEAL: 9779.9
 10/28/09 AMEND: 3333, 3650
 10/26/09 AMEND: 5306
 10/22/09 AMEND: 3277
 10/07/09 AMEND: 2395.6
 08/31/09 AMEND: 3385
 08/27/09 AMEND: 3400

Title 9

12/21/09 ADOPT: 9550
 12/21/09 ADOPT: 10700, 10701 AMEND: 10518,
 10529 REPEAL: 10532, 10533
 11/04/09 ADOPT: 3200.125, 3200.215, 3200.217,
 3200.253, 3200.254, 3200.255,
 3200.256, 3200.275, 3200.276,
 3200.320, 3200.325, 3550, 3810, 3820,
 3830, 3840, 3841, 3842, 3843, 3844,
 3844.1, 3845, 3850, 3851, 3851.1, 3852,
 3853, 3854, 3854.1, 3854.2, 3856
 AMEND: 3310, 3510
 10/26/09 ADOPT: 4350
 09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1,
 7214.2, 7214.3, 7214.4, 7214.6, 7214.8,
 7215.1, 7216.1, 7216.2, 7220.3, 7220.5,
 7220.7 AMEND: 7213, 7213.1, 7213.2,
 7213.3, 7214, 7215, 7216, 7218, 7220,
 7221, 7224, 7225, 7226, 7226.1, 7226.2,
 7227, 7227.1, 7227.2 REPEAL: 7219
 09/14/09 ADOPT: 4000, 4005

Title 10

01/07/10 AMEND: 2651.1, 2652.1, 2652.10,
 2653.3, 2653.4, 2653.5, 2654.1, 2655.3,
 2655.4
 12/15/09 REPEAL: 2232.45.1, 2232.45.2,
 2232.45.3, 2232.45.4, 2232.45.5
 12/08/09 AMEND: 2699.6603
 12/07/09 ADOPT: 2309.2, 2309.3, 2309.4, 2309.5,
 2309.6, 2309.7, 2309.8, 2309.9, 2309.10,
 2309.11, 2309.12, 2309.13, 2309.14,
 2309.15, 2309.16, 2309.17, 2309.18,
 2309.20
 12/03/09 AMEND: 2698.600, 2698.602
 12/01/09 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4,
 2031.5, 2031.6, 2031.7, 2031.8
 AMEND: 2031.9, 2031.10
 12/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4,
 2850.5, 2850.6, 2850.7, 2850.8, 2850.9,
 2850.10

12/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10
 12/01/09 AMEND: 2699.200, 2699.201
 11/19/09 AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
 11/19/09 AMEND: 2498.5
 11/19/09 AMEND: 2498.5
 11/19/09 AMEND: 2498.4.9
 11/19/09 AMEND: 2498.4.9
 11/10/09 AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11
 10/29/09 AMEND: 2699.6809
 10/29/09 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725
 10/26/09 AMEND: 2632.9
 10/26/09 AMEND: 2695.85
 10/15/09 AMEND: 2632.5
 10/06/09 ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755
 09/29/09 AMEND: 2699.6625
 09/24/09 AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3 REPEAL: 260.101, 260.103.3, 260.237.1
 09/23/09 AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51
 09/17/09 AMEND: 2699.6805
 08/19/09 AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809

Title 11

01/11/10 38.3
 01/05/10 AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911
 11/09/09 AMEND: 1005, 1007, 1008
 10/14/09 AMEND: 9052(c), 9053(b), 9053(c), 9053(e)(5)(A)4, 9053(e)(10)(A), 9053(e)(10)(B), 9054(e)(4), 9057(b), 9059(b), 9059(c), 9059(e)(9)(A), 9059(e)(9)(B), 9060(e)(4)

Title 12

10/13/09 ADOPT: 600 REPEAL: 600
 09/17/09 ADOPT: 508

Title 13

01/05/10 AMEND: 553.70
 12/31/09 AMEND: 2449, 2449.1, 2449.2
 12/31/09 AMEND: 2449, 2449.1, 2449.2
 12/15/09 ADOPT: 155.07 AMEND: 155.05
 12/09/09 ADOPT: 2025
 12/03/09 AMEND: 425.01
 10/20/09 AMEND: 2433
 10/13/09 ADOPT: 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359
 09/16/09 ADOPT: 2468, 2468.1, 2486.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10
 09/01/09 AMEND: 2222
 08/24/09 AMEND: 2193
 08/12/09 AMEND: 2020(b)

Title 13, 17

12/03/09 AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5

Title 14

01/13/10 REPEAL: 1.18
 01/08/10 AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26
 12/29/09 AMEND: 4609
 12/21/09 AMEND: 670.5
 12/21/09 AMEND: 2310, 2320
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